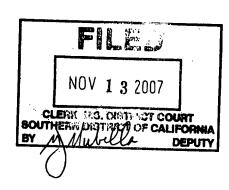
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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

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9	UNITED STATES OF AMERICA,) N	Magistrate Case No. 07MJ2625
10 11	v	ETENTION ORDER
12	JOSE GONZALEZ-ALVAREZ Defendant.	
14 15	A. Order For Detention After conducting a detention hearing pursuant to	8 U.S.C. § 3142(f) of the Bail Reform Act, the pursuant to 18 U.S.C. § 3142(e) and (i).
16 17 18	The Court orders the defendant's detention becau By a preponderance of the evidence that will reasonably assure the appearance of By clear and convincing evidence that no	no condition or combination of conditions the defendant as required. condition or combination of conditions
19 20 21 22	C. Finding Of Fact The Court's findings are based on the evidence which was presented to Court and that which was contained in the pretrial Services report, and includes the following: (1) Nature and circumstances of the offense charged: (x) The offense charged is:	
23	21 USC 841 (a)(1)	
24	(b) The offense is a crime of violence (c) The offense involves a narcotic drug (d) The offense involves a large amount of controlled substances, to wit:	
2526	(2) The weight of the evidence against	
27 28	7 The defendant appears affect whether the def	
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	The defendant has no steady employment. The defendant has no substantial financial resources. The defendant is not a long time resident of the community. The defendant does not have any significant community ties. Past conduct of the defendant:
	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. (b) Whether the defendant was on probation, parole, or release by a court: At the time of the current arrest, the defendant was on: Probation Parole
,	Release pending trial, sentence, appeal or completion of sentence. Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. Other:
	The nature and seriousness of the danger posed by the defendant's release are as follows:
	Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: a. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because
	the Court finds that the crime involves: (A) A crime of violence; or (B) An offense for which the maximum penalty is <u>life</u> imprisonment or death; or (C) A controlled substance violation which has a maximum penalty of 10 years or more; or (D) A felony after the defendant had
	been convicted of two or more prior offenses described in (A) through (C) above, and the defendant has a prior conviction for one of the crimes mentioned in (A) through (C) above which is less than five years old and which
	was committed while the defendant was on pretrial release. b. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that

1	there is probable cause to believe:	
2	(A) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.	
3	(B) That the defendant has committed an offense under 18 U.S.C.	
4	§ 924(c) (uses or carries a firearm during and in relation to any	
5	crime of violence, including a crime of violence, which provides	
6	for an enhanced punishment if committed by the use of a deadly	
7	or dangerous weapon or device). D. Additional Directives	
	Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:	
8	The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving	
9	sentences or being held in custody pending appeal; and The defendant be afforded reasonable opportunity for private consultation with	
10	counsel; and, That, on order of a court of the United States, or on request of an attorney for the	
11	Government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance	
12	in connection with a court proceeding.	
13	This order is made without prejudice to modification by this Court and without prejudice to the Defendant's exercise of the right to bail.	
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15	Dated: NOVEMBER 13, 2007	
16	CATHY ANN BENCIVENGO United States Magistrate Judge	
17	, Office States Magistrate states	
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